

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUBEN PABLO, BONNIE COURSEY and
JOHN BAHR,

No. C 08-3894 SI

VERDICT FORMS

Plaintiffs,

v.

SERVICEMASTER GLOBAL HOLDINGS,
INC., et al.,

Defendants.

Instructions: Three verdict forms are below, one for each plaintiff. Please read the questions carefully. After answering each question, read the directions directly following the question to find out whether to proceed to the next question, or to skip to a question later in the form.

Verdict Form for Plaintiff John Bahr

1. Did defendants prove, by a preponderance of the evidence, that plaintiff John Bahr customarily and regularly worked more than half the working time away from the defendants' place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities?

☐ Yes ☐ No

If Yes, skip to Question 14.
If No, proceed to Question 2.

Overtime Claim

2. Did plaintiff John Bahr prove, by a preponderance of the evidence, that he worked over 8 hours on any day or 40 hours in any week?

☐ Yes ☐ No

If Yes, proceed to Question 3.
If No, skip to Question 4.

3. What is the amount of overtime wages owed to plaintiff John Bahr by defendants?

\$ _____

Proceed to Question 4.

Meal and Rest Break Claim

4. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants failed to provide him with one or more 30 minute duty-free meal periods during any 5-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 5.
If No, skip to Question 6.

5. What is the number of times that plaintiff John Bahr was not provided with a meal period that he was owed?

Proceed to Question 6.

6. What was plaintiff John Bahr's average **hourly** wage rate during his employ with defendants?

\$ _____

Proceed to Question 7.

1 7. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants failed to
2 provide him with one or more duty-free rest periods during any four-hour work period?

3 [] Yes [] No

4 If Yes, proceed to Question 8.

5 If No, skip to Question 9.

6 8. What is the number of times that plaintiff John Bahr was not provided with a rest period that he
7 was owed?

8 _____
9 Proceed to Question 9.

10 **Itemized Wage Statement Claim**

11 9. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants knowingly
12 and intentionally failed to furnish to him with one or more accurate itemized statements in writing
13 showing the total hours he worked?

14 [] Yes [] No

15 If Yes, proceed to question 10.

16 If No, skip to question 11.

17 10. How many pay periods did defendants fail to furnish plaintiff John Bahr with accurate itemized
18 statements in writing showing the total hours he worked?

19 _____
20 Proceed to Question 11.

21 **Waiting Time Penalties**

22 11. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants willfully
23 failed to pay him the amount of wages due to him at the time his employment with defendants
24 ended?

25 [] Yes [] No

26 If Yes, proceed to question 12.

27 If No, skip to question 14.

28 12. For how many calender days, not to exceed 30, following plaintiff John Bahr's last day of
employment did defendants willfully fail to pay the full amount of his wages?

13. What was plaintiff John Bahr's **daily** wage rate at the time his employment ended?

\$_____ per day.

Reimbursement for Necessary Work Expenditures Claim

14. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants failed to reimburse him for necessary work expenditures that he incurred?

☐ Yes ☐ No

If Yes, proceed to question 15.
If No, skip to the signature line.

15. What is the amount of necessary business expenditures for which plaintiff John Bahr was not reimbursed?

\$ _____

You are now finished with plaintiff John Bahr's verdict form. Please have the presiding juror sign on the line below and proceed to the next verdict form.

Dated: _____

Presiding Juror

Verdict Form for Plaintiff Ruben Pablo

1. Did defendants prove, by a preponderance of the evidence, that plaintiff Ruben Pablo customarily and regularly worked more than half the working time away from the defendants' place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities?

☐ Yes ☐ No

If Yes, skip to Question 14.
If No, proceed to Question 2.

Overtime Claim

2. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that he worked over 8 hours on any day or 40 hours in any week?

☐ Yes ☐ No

If Yes, proceed to Question 3.
If No, skip to Question 4.

3. What is the amount of overtime wages owed to plaintiff Ruben Pablo by defendants?

\$ _____

Proceed to Question 4.

Meal and Rest Break Claim

4. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants failed to provide him with one or more 30 minute duty-free meal periods during any 5-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 5.
If No, skip to Question 6.

5. What is the number of times that plaintiff Ruben Pablo was not provided with a meal period that he was owed?

Proceed to Question 6.

6. What was plaintiff Ruben Pablo's average **hourly** wage rate during his employ with defendants?

\$ _____

Proceed to Question 7.

1 7. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants failed to
2 provide him with one or more duty-free rest periods during any four-hour work period?

3 [] Yes [] No

4 If Yes, proceed to Question 8.

If No, skip to Question 9.

5 8. What is the number of times that plaintiff Ruben Pablo was not provided with a rest period that
6 he was owed?¹

7 _____
8 Proceed to Question 9.

9
10 **Itemized Wage Statement Claim**

11 9. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants knowingly
12 and intentionally failed to furnish to him with one or more accurate itemized statements in writing
13 showing the total hours he worked?

14 [] Yes [] No

15 If Yes, proceed to question 10.

If No, skip to question 11.

16 10. How many pay periods did defendants fail to furnish plaintiff Ruben Pablo with accurate
17 itemized statements in writing showing the total hours he worked?

18 _____
19 Proceed to Question 11.

20 **Waiting Time Penalties**

21 11. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants willfully
22 failed to pay him the amount of wages due to him at the time his employment with defendants
ended?

23 [] Yes [] No

24 If Yes, proceed to question 12.

If No, skip to question 14.

25 12. For how many calender days, not to exceed 30, following plaintiff Ruben Pablo's last day of
26 employment did defendants willfully fail to pay the full amount of his wages?

27 _____
28

1 13. What was plaintiff Ruben Pablo's **daily** wage rate at the time his employment ended?

2 \$_____ per day.

3
4 **Reimbursement for Necessary Work Expenditures Claim**

5 14. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants failed to
6 reimburse him for necessary work expenditures that he incurred?

7 [] Yes [] No

8 If Yes, proceed to question 15.

9 If No, skip to the signature line.

10 15. What is the amount of necessary business expenditures for which plaintiff Ruben Pablo was not
11 reimbursed?

12 \$_____

13 You are now finished with plaintiff Ruben Pablo's verdict form. Please have the presiding juror
14 sign on the line below and proceed to the next verdict form.

15 Dated: _____

16 _____
17 Presiding Juror
18
19
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Verdict Form for Plaintiff Bonnie Coursey

1. Did defendants prove, by a preponderance of the evidence, that plaintiff Bonnie Coursey customarily and regularly worked more than half the working time away from the defendants' place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities?

☐ Yes ☐ No

If Yes, skip to Question 14.
If No, proceed to Question 2.

Overtime Claim

2. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that he worked over 8 hours on any day or 40 hours in any week?

☐ Yes ☐ No

If Yes, proceed to Question 3.
If No, skip to Question 4.

3. What is the amount of overtime wages owed to plaintiff Bonnie Coursey by defendants?

\$_____

Proceed to Question 4.

Meal and Rest Break Claim

4. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants failed to provide him with one or more 30 minute duty-free meal periods during any 5-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 5.
If No, skip to Question 6.

5. What is the number of times that plaintiff Bonnie Coursey was not provided with a meal period that he was owed?

Proceed to Question 6.

6. What was plaintiff Bonnie Coursey's average **hourly** wage rate during his employ with defendants?

\$_____

Proceed to Question 7.

1 7. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants failed to
2 provide him with one or more duty-free rest periods during any four-hour work period?

3 [] Yes [] No

4 If Yes, proceed to Question 8.

If No, skip to Question 9.

5 8. What is the number of times that plaintiff Bonnie Coursey was not provided with a rest period
6 that he was owed?

7 _____
8 Proceed to Question 9.

9
10 **Itemized Wage Statement Claim**

11 9. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants
12 knowingly and intentionally failed to furnish to him with one or more accurate itemized statements
in writing showing the total hours he worked?

13 [] Yes [] No

14 If Yes, proceed to question 10.

If No, skip to question 11.

15 10. How many pay periods did defendants fail to furnish plaintiff Bonnie Coursey with accurate
16 itemized statements in writing showing the total hours he worked?

17 _____
18 Proceed to Question 11.

19
20 **Waiting Time Penalties**

21 11. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants
22 willfully failed to pay him the amount of wages due to him at the time his employment with
defendants ended?

23 [] Yes [] No

24 If Yes, proceed to question 12.

If No, skip to question 14.

25 12. For how many calender days, not to exceed 30, following plaintiff Bonnie Coursey's last day of
26 employment did defendants willfully fail to pay the full amount of his wages?

27 _____
28

1 13. What was plaintiff Bonnie Coursey's **daily** wage rate at the time his employment ended?

2 \$_____ per day.

3
4 **Reimbursement for Necessary Work Expenditures Claim**

5 14. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants failed
6 to reimburse him for necessary work expenditures that he incurred?

7 [] Yes [] No

8 If Yes, proceed to question 15.
9 If No, skip to the signature line.

10 15. What is the amount of necessary business expenditures for which plaintiff Bonnie Coursey was
11 not reimbursed?

12 \$_____

13
14 You are now finished with all of the verdict forms. Please have the presiding juror sign on the line
15 below and contact the courtroom deputy.

16 Dated: _____

17 _____
18 Presiding Juror